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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 23 2008

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
SACRAMENTO UTILITIES, L.L.C. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WASTEWATER  
SERVICE IN MOHAVE COUNTY, ARIZONA.

DOCKET NO. SW-20576A-08-0067

PROCEDURAL ORDER

**BY THE COMMISSION:**

On February 4, 2008, Sacramento Utilities, LLC ("Sacramento" or "Company"), filed with the Arizona Corporation Commission ("Commission") an Application for a Certificate of Convenience and Necessity ("CCN") to provide wastewater service in Mohave County, Arizona.

On February 22, 2008, the Commission's Utilities Division Staff ("Staff") notified the Company that its application was not sufficient pursuant to the Arizona Administrative Code.

On April 10, 2008, Sacramento filed a response to Staff's Insufficiency Letter.

On May 2, 2008, Staff filed a second Insufficiency Letter.

On June 10 and June 20, 2008, Sacramento filed responses to Staff's second Insufficiency Letter.

On July 1, 2008, Sacramento filed an affidavit of mailing regarding the notice sent to property owners in the proposed CC&N area.

On July 17, 2008, Staff issued a Sufficiency Letter to the Company stating that the application was sufficient.

IT IS THEREFORE ORDERED that the **hearing shall be held on September 9, 2008, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
2 105, except that all motions to intervene must be filed on or before **August 29, 2008**.

3 IT IS FURTHER ORDERED that objections to any Motions to Intervene shall be filed on or  
4 before **September 5, 2008**.

5 IT IS FURTHER ORDERED that the Company shall serve public notice of the hearing in this  
6 matter in the following form and style:

7  
8 **PUBLIC NOTICE OF HEARING ON APPLICATION BY**  
9 **SACRAMENTO UTILITIES, L.L.C. FOR A**  
10 **CERTIFICATE OF CONVENIENCE AND NECESSITY**  
11 **DOCKET NO. W-20576A-08-0067**

12 On February 4, 2008, Sacramento Utilities, LLC ("Company") filed an application  
13 with the Arizona Corporation Commission ("Commission") for a Certificate of  
14 Convenience and Necessity ("Certificate"). If the application is granted the Company  
15 would be the exclusive provider of wastewater service within the requested area, and  
16 would be required to provide service on the terms and conditions as established by the  
17 Commission. The Commission's Utilities Division ("Staff") has not yet made a  
18 recommendation regarding the Company's application, and the Commission is not  
19 bound by the proposals made by the Company, Staff, or any intervenors. The  
20 Commission will issue a decision regarding the Company's application following  
21 consideration of testimony and evidence presented at an evidentiary hearing.

22 The application is available for inspection during regular business hours at the offices  
23 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,  
24 and in Tucson, at 400 West Congress Street Suite 218, Tucson, Arizona, and at the  
25 offices of the Applicant, [APPLICANT INSERT ADDRESS]. The application is  
26 also available on the Commission's website, [www.azcc.gov](http://www.azcc.gov), using the e-Docket link.

27 **The Commission will hold a hearing on this matter on September 9, 2008, at**  
28 **10:00 a.m.**, or as soon thereafter as is practical, at the Commission's Phoenix offices,  
1200 West Washington Street, Hearing Room 1, Phoenix, Arizona 85007.

29 The law provides for an open public hearing at which, under appropriate  
30 circumstances, interested persons may intervene in the proceedings and participate as  
31 a party. Persons desiring to intervene must file a written motion to intervene with the  
32 Commission and send such motion to Applicant or its counsel and to all parties of  
33 record. The motion must, at the minimum, contain the following:

- 34 1. The name, address, and telephone number of the proposed intervenor and of  
35 any party upon whom service of documents is to be made if different from  
36 that of the intervenor.
- 37 2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
38 a customer or potential customer of the Applicant, a member or shareholder of  
the Applicant, etc.).
- 39 3. A statement certifying that a copy of the motion to intervene has been mailed

to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before August 29, 2008.** If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. **However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.**

If you have any questions about this application, you may contact Applicant at **[APPLICANT insert contact name, address and telephone number]**. If you want further information on intervention or have questions on how to file comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail: [LHogan@azcc.gov](mailto:LHogan@azcc.gov). Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Sacramento shall publish the above notice in a newspaper of general circulation within the proposed extended service territory and shall mail to each property owner in the requested service territory a copy of this notice by first-class U.S. Mail, to begin as soon as possible and to be completed on or before **August 18, 2008.**

IT IS FURTHER ORDERED that Sacramento shall file certifications of mailing and publication as soon as practicable after the mailing and publication have been completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication, notwithstanding the failure of an individual customer to read or receive the notice.

IT IS FURTHER ORDERED that **Staff shall file its Staff Report** and associated exhibits to be presented at the hearing on or before **August 29, 2008.**

IT IS FURTHER ORDERED that **any objection or response** by the Company or intervenors to the Staff Report shall be made in writing and filed on or before **September 5, 2008.**

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing.

1 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
2 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
4 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*  
5 *hac vice*.

6 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
7 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
8 hearing.

9 DATED this 23<sup>rd</sup> day of July, 2008.

10  
11 

12 DWIGHT D. NODES  
13 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed  
15 this 23<sup>rd</sup> day of July, 2008 to:

16 Richard L. Sallquist  
17 SALLQUIST, DRUMMOND &  
18 O'CONNOR, P.C.  
19 4500 S. Lakeshore Dr., Suite 339  
20 Tempe, AZ 85282  
21 Attorney for Sacramento Utilities, LLC

22 Janice Alward, Chief Counsel  
23 Legal Division  
24 ARIZONA CORPORATION COMMISSION  
25 1200 West Washington Street  
26 Phoenix, AZ 85007

27 Ernest Johnson, Director  
28 Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1481

By:



Debbi Person  
Assistant to Dwight D. Nodes